

GHENET MARU MESFUN )

and )

JOSEPH Y. MESFUN ) CRIMINAL NO. 05-858 (WHW)

MOTION FOR EXPEDITED REVIEW

Comes now, the United States of America, by and through its counsel, Hilary S. Axam and Ryan R. McKinstry, of the Civil Rights Division of the United States Department of Justice, and respectfully requests that the Government's Motion for an Order Authorizing Involuntary Medication for the Purpose of Restoration to Competency to Stand Trial, filed by the Government on January 4, 2008, be resolved as expeditiously as the interests of justice permit.

In support of this motion, the government respectfully submits as follows:

1. On January 4, 2008, the government filed its Motion for an Order Authorizing Involuntary Medication for the Purpose of Restoration to Competency to Stand Trial.
2. On May 28, 2008, the Court convened a status conference regarding concerns raised by the defense.
3. On June 19, 2008, the Court held an evidentiary hearing regarding the government's motion.

4. Following inquiries as to the status of the motion, counsel was advised that it was under consideration by the Court pending receipt and review of transcripts of the June 19, 2008 evidentiary hearing.
5. On April 9, 2009, the Court issued a letter requesting that the Bureau of Prisons provide additional information pertinent to the Court's consideration of the Government's pending motion.
6. While the Government appreciates the need for thorough consideration of the issues raised by the Government's pending motion, the Government requests expedited consideration of the supplemental information sought by the Court from the Bureau of Prisons in the Court's letter of April 9, 2009, to facilitate expeditious resolution of the Government's pending motion.
7. As the Court's previous orders have confirmed, the time associated with proceedings relevant to the defendant's competency to stand trial, including the time associated with the Court's consideration of pending motions related to competency to stand trial, is excluded, pursuant to 18 U.S.C. §§ 3161(h)(1)(A), 3161(h)(1)(H), 3161(h)(4), 3161(h)(7), and 3161(h)(8)(A), from the computation of the time within which trial must commence.

8. The government has consulted the defense, which concurs in this motion for expedited review.

Wherefore, the government respectfully requests that the Court resolve the pending motion as expeditiously as the interests of justice permit upon its receipt and review of the supplemental information sought by the Court in its letter dated April 9, 2009.

Respectfully submitted,  
Loretta King

Acting Assistant Attorney General

Civil Rights Division

By:

/s/ Hilary Axi

Hilary Axi

Special Litigation Counsel

Ryan McKinstry

Trial Attorney

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GHENET MARU MESFUN )

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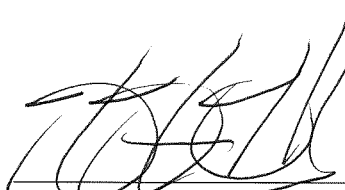
JOSEPH Y. MESFUN ) CRIMINAL NO. 05-858 (WHW)

PROPOSED FORM OF ORDER

AND NOW THIS 28 day of April, 2009, upon consideration of the government's motion for expedited review, it is hereby ORDERED that the government's motion is GRANTED.

SO ORDERED.

Dated: 28 April 2009

  
The Honorable William H. Walls  
United States District Judge

GHENET MARU MESFUN	)	
	)	
and	)	CRIMINAL NO. 05-858 (WHW)
JOSEPH Y. MESFUN	)	

CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2009, I electronically filed the foregoing Motion For Expedited Review and Proposed Form of Order with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Stephen Turano, Esq., counsel for Ghenet Maru Mesfun, and Thomas Ashley, Esq., counsel for Joseph Mesfun.

Respectfully submitted,  
Loretta King

Acting Assistant Attorney General

Civil Rights Division

By:  
/s/ Hilary Axi  
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